

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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2005 MAY 11 PM 12:21
Docket No.: 04-12654 RGS

FRED T. VANDAM,
Plaintiff,

vs.

DAVID M. MCSWEENEY,
TRUSTEE OF MCREALTY TRUST,
ROCKLAND LEASE FUNDING CORP.,
UNITED STATES OF AMERICA, AND
GENERAL ELECTRIC COMMERCIAL
EQUIPMENT FINANCING, a division of
GENERAL ELECTRIC CAPITAL CORP.
Defendants.

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Federal Rule of Civil Procedure 26(f), United States District Court Local Rule 16.1, and the Court's Order of April 4, 2005, the parties propose the following joint statement:

I. PROPOSED JOINT DISCOVERY PLAN

A. PHASE I: For developing information needed for a realistic assessment of the case.

1. Initial disclosures shall be exchanged, in accordance with Federal Rule of Civil Procedure 26(f), on or by May 31, 2005.
2. Interrogatories and Request for Production of Documents shall be served by June 30, 2005. Responses to the Document Request shall be served by July 31, 2005. Answers to Interrogatories shall be served by August 31, 2005.

3. Witness/factual depositions will be conducted by November 30, 2005.

B. PHASE II: For developing information needed to prepare for trial.

1. Expert Discovery

A. The parties rule 26 disclosure of expert witnesses within 30 days after the completion of factual discovery – November 30, 2005.

B. Depositions of experts will be completed within 45 days after service of the Rule 26 disclosure of expert witness.

2. Request for Admissions shall be served by September 30, 2005.

II. PROPOSED MOTION FILING SCHEDULE

A. Motions under Rule 12, 19, and 20 shall be served by November 30, 2005.

B. Motions under Rule 56, must be served by January 31, 2006.

C. Final Pre-Trial Conference on Order of the Court.

III. CONSENT TO TRIAL BY MAGISTRATE JUDGE

The parties, at this time, do not consent to the trial of this matter by a Magistrate Judge, but may reconsider their positions at a later date.


IV. CERTIFICATIONS

Counsel for the parties understand their obligations to and are in the process of obtaining signed certificates affirming that each party and each party's counsel have conferred with a view of establishing a budget for costs of conducting the litigation and to consider alternative methods of dispute resolution. Counsel will file those certificates with the Court at the Scheduling Conference on May 17, 2005.

Respectfully submitted,

The Plaintiff,
FRED VAN DAM

By his attorneys,
BARRON & STADFIELD, P.C.


Kevin P. Scanlon, BBO: 564978
Randy J. Spencer, BBO: 653879
100 Cambridge St.
Boston, MA 02114
(617) 723-9800

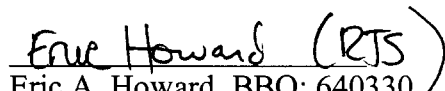
Defendant,
ROCKLAND LEASE FUNDING CORP.

By its attorneys,
LAW OFFICE OF PHILIP S. LEVOFF

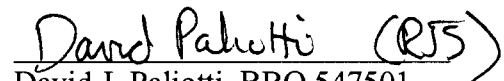

Philip S. Levoff, BBO: 297580
1172 Beacon St., Suite 202
Newton, MA 02461-1150
(617) 332-0624

Defendant,
**GENERAL ELECTRIC COMMERCIAL
EQUIPMENT FINANCING**

By its attorneys,
DOMESTICO, LANE & MCNAMARA, LLP

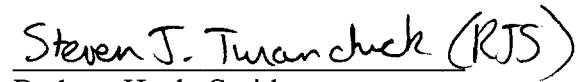

Eric A. Howard, BBO: 640330
The Meadows
161 Worcester Road
Framingham, MA 01701
(508) 626-9000
[321076]

Defendant,
**DAVID M. MCSWEENEY, as
Trustee of MC REALTY TRUST**
By his attorneys,
GREENBAUM, NAGEL, FISHER
& HAMELBURG


David J. Paliotti, BBO 547501
200 High St., 4th Floor
Boston, MA 02110
(617) 423-4300

Defendant,
UNITED STATES OF AMERICA

United States Attorney's Office


Barbara Healy Smith
Steven J. Turanchik
U.S. Dept of Justice
P.O. Box 55
Ben Franklin Station
Washington, D.C. 20044
(202) 307-6565